

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DENNIS D., :  
Plaintiff, : Case No. 3:22-cv-00202  
v. : Judge Thomas M. Rose  
COMMISSIONER OF THE SOCIAL : Magistrate Judge Karen L. Litkovitz  
SECURITY ADMINISTRATION, :  
Defendant. :  
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**ENTRY AND ORDER OVERRULING THE OBJECTIONS (DOC. NO. 14);  
ADOPTING, IN FULL, THE REPORT AND RECOMMENDATIONS (DOC. NO.  
13) AND ACCEPTING ITS RECOMMENDED DISPOSITION; AFFIRMING  
THE NON-DISABILITY FINDING; AND, TERMINATING THIS CASE ON  
THE COURT'S DOCKET**

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This Social Security disability benefits appeal is before the Court on the Objections (Doc. No. 14) filed by Plaintiff to Magistrate Judge Karen L. Litkovitz's Report and Recommendations ("Report") (Doc. No. 13). Magistrate Judge Litkovitz recommended that the non-disability finding of the Commissioner be affirmed and this case be terminated. (Doc. No. 13.) Plaintiff filed Objections (Doc. No. 14) to the Report. In the Objections, Plaintiff argues that the decision of the administrative law judge ("ALJ") "was framed utilizing the wrong legal standard, and also relied on flawed opinion evidence." (Doc. No. 14 at PageID 1512.) The Defendant filed a response to the Plaintiff's Objections. (Doc. No. 15.) The matter is ripe for review.

If a party objects within the allotted time to a United States magistrate judge's report and recommendation(s), then the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court "may accept, reject, or modify,

in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* The Court “may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.* The Court’s “review of the ALJ’s decision is limited to whether the ALJ applied the correct legal standards and whether the findings of the ALJ are supported by substantial evidence.” *Blakley v. Comm’r of Soc. Sec.*, 581 F.3d 399, 406 (6th Cir. 2009).

The Court has made a *de novo* review of the record in this case and a “*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). The Court finds that the Objections (Doc. No. 14) to the Report are not well-taken and are **OVERRULED**. The Court **ACCEPTS** the findings and recommendations made by the magistrate judge, **ADOPTS** the Report (Doc. No. 13), and rules as follows:

1. The non-disability finding is **AFFIRMED**; and
2. This case is **TERMINATED** on the Court’s docket.

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, June 13, 2023.<sup>1</sup>

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court acknowledges the valuable contribution and assistance of judicial intern Jacob Redden in drafting this order.